

#10/K.T.  
7/31  
*I. D. S.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Keck *et al.*  
Serial No.: 09/601,997  
Filed: December 15, 2000

For: **NON-BACTERIAL CLONING IN  
DELIVERY AND EXPRESSION OF NUCLEIC  
ACIDS**

Art Unit: 1645  
Examiner: Unassigned

RECEIVED

JUL 22 2002

TECH CENTER 1600/2900  
**RECEIVED**

JUL 23 2002

TECH CENTER 1600/2900

**INFORMATION DISCLOSURE STATEMENT IN ACCORDANCE  
WITH 37 C.F.R. §§ 1.97-1.98**

Commissioner for Patents  
Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

Since this Information Disclosure Statement is filed before the receipt of a first Office Action on the merits for the above-captioned application, no filing fee is due. If it is determined that a fee is due, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1213.

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§ 1.97-1.98. Forms PTO-1449 (8 pages) and copies of the cited documents are provided herewith in connection with the above-captioned application.

The documents listed on the Forms PTO-1449 and supplied herewith are in the English language. The cited documents listed on the Forms PTO-1449 are in the English language with the exception of items Z, AE, AG, AH, AI, and AJ. Item Z (DE 4424762) and item AI (WO 96/01314), which are in the German language, are provided with Derwent English language abstracts describing the subject matter. Items AE (WO 94/28152), AG (WO 95/14101), AH (WO 95/14102), and AJ (WO 96/05321), which are in the French language, are provided with Derwent English language abstracts describing the subject matter. Hence, in accordance with the requirements of 37 C.F.R. § 1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

**U.S.S.N. 09/601,997**

**Keck et al.**

**Information Disclosure Statement**

Applicant also makes known to the Examiner the following co-pending U.S. and International applications that have one or more common inventors and/or one or more common owners:

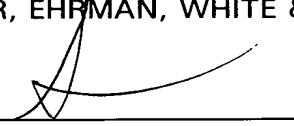
<u>U.S.S.N.</u>	<u>Filing Date</u>	<u>Docket No.</u>
09/067,337	04/27/98	2301
09/484,484	01/18/00	2301B
09/171,625	10/19/98	2302US
09/355,705	02/04/98	2303US
60/314,123	08/21/01	P2305B
60/363,433	03/11/02	P2305C
Unassigned	07/16/02	2305
09/601,970	08/09/00	2306US
10/014/731	12/11/01	2308

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing references and make them of record in the file history of the above-captioned application.

Respectfully submitted,  
**HELLER, EHRMAN, WHITE & McAULIFFE**

By:

  
Stephanie L. Seidman  
Registration No. 33,779

**Dated: July 19, 2002**

Attorney Docket No. 24743-2307US

**Address all correspondence to:**

Stephanie L. Seidman, Esq.

HELLER, EHRMAN, WHITE & McAULIFFE

4350 La Jolla Village Drive, 7th Floor

San Diego, California 92122-1246

Telephone: (858) 450-8400

Facsimile: (858) 587-5360

EMAIL: sseidman@hewm.com